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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,460	12/05/2000	Karl Kolter	51007	4443

26474 7590 07/08/2005

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EXAMINER

CHOI, FRANK I

ART UNIT PAPER NUMBER

1616

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/729460

12/5/2000

Kalter et al.

51007

EXAMINER

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Commissioner for Patents

## Notice of Non-Responsive Amendment

The amendment filed on 4/27/2005 presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not directed to the elected invention because the elected invention was directed to use of a film coating as a taste masking coating and a product in which in each case compression was not a limitation of the claimed invention whereas the non-elected invention was directed to a process of producing the product by compression of the coated article with conventional table excipients. The claims were rejected on the merits on that basis. The amended claims read on a process for producing a product by compression of film coated articles with conventional tablet excipients (Claims 1-4, 6) and a product in which the product is obtained by compression of the film coated articles with conventional tablet excipients (Claims 7-11, 13) in which Applicant is arguing that the limitation related to compression over comes the prior art and overcomes the restriction requirement between product and process of making because the product now must be made by the claimed process. Since the process of making is directed to the non-elected invention, assuming Applicant's arguments are valid, then the amended product claims are also part of the non-elected invention. As such, the only claims remaining are directed to the non-elected invention.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a flexible schedule. However, Examiner may generally be reached Monday-Friday, 8:00 am - 5:30 pm (EST), except the first Friday of the each biweek which is Examiner's normally scheduled day off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Gary Kunz, can be reached at 571-272-0887. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FIC

July 6, 2005

  
JOHN PAK  
PRIMARY EXAMINER  
GROUP 1600